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C O N F I D E N T I A L BRUSSELS 005216

SIPDIS

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SUBJECT: EU COMMISSION AND COUNCIL SECRETARIAT RESPONSE ON  
GAERC DEMARCHE

REF: A. STATE 258831

[1](#)B. THE HAGUE 3219

[1](#)C. USEU BRUSSELS 5215

Classified By: Rick Holtzapple, PolOff. Reasons 1.4 (B/D)

[1](#)1. (SBU) We reviewed REF A points with Judith Gebetsroithner of Commissioner Ferrero-Waldner's cabinet and Margarita Comamala of the Council Secretariat on December 7 and 8, respectively. Neither had any specific comment or reaction on the Great Lakes, Middle East or Colombia (the latter of which will be an A point for approval of Conclusions without discussion at the General Affairs and External Relations Council meeting on Dec. 13), other than to say they appreciated the overall positive assessment of US-EU coordination in those areas.

[1](#)2. (SBU) On Ukraine, Gebetsroithner said the Action Plan for Ukraine under the European Neighborhood Policy should be approved by the Commission at its formal session on December 9 as part of a package of several Action Plans. The Commission hoped the full package would be endorsed by the GAERC on Dec. 13, but she thought some Member States might ask for more time to consider the texts. In the Ukraine plan, the Commission would likely add a reference in its decision to approve noting that implementation of the Action Plan could only begin "when circumstances allow" (with the clear implication that this meant only when a new government was in place after elections). Commenting specifically on EU support for the new round of elections, Gebetsroithner said the EU would find resources to support ODIHR's observation efforts, and was looking at how to provide more personnel for the mission. She said she was optimistic that the EU would be able to meet ODIHR's requests in terms of numbers.

[1](#)3. (C) On Croatia, Gebetsroithner, an Austrian diplomat on loan to the Commission, noted that enlargement issues were not her boss' responsibility. But, like the Dutch (REF B), she saw little chance the final Conclusions would be agreed before the EU Summit on the December 17. (For more details on negotiations over the Croatia text, see REF C.) She commented that the Austrian government would need to respond to public opinion and come up with a result where both Croatia and Turkey were seen to be treated the same. PolOff responded that the EU had laid out clear conditions for opening negotiations, and would be treating candidates equally by opening negotiations when, but only when, the countries met those conditions. Gebetsroithner acknowledged this was consistent with the Commission's own line on these matters, but the public would only understand if both got a date or neither did.

[1](#)4. (C) On China, Comamala confirmed press reports that the French have been balking at a serious tightening of the Code of Conduct on Arms Exports. Nonetheless, she said the EU's Political and Security Committee was scheduled "soon" (meaning before the end of December) to hold a debate on whether and how the EU could make the Code a "legal instrument" of the EU and therefore binding on Member States.

MCKINLEY